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FILED

DISTRICT COURT OF GUAM

MAR 24 2005

MARY L.M. MORAN
CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

THOMAS KOICHI NAKAMINE
dba TAKAI'S ENTERPRISE,

Plaintiff,

vs.

CITIBANK, N.A. (GUAM), PATRICK
KEHRES, individually, and DOES 1-10,
inclusive,

Defendants.

CIVIL CASE NO. 03-00047

**FIRST AMENDED JOINT
DISCOVERY PLAN**

The parties having met and conferred hereby submit their proposed Joint Discovery Plan in accordance with Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 16.1(b)

A. Initial Disclosures

The parties completed their initial disclosures in accordance with Rule 26(a)(1) of the Rules of Civil Procedure on or before April 12, 2004, which was within fourteen days (14) following the Rule 26(f) conference.

B. Interrogatories and Requests for Production

Interrogatories and Requests for Production of Documents have been served and answered. The parties reserve the right to serve a second set of request for production of documents.

C. Fact Witnesses and Depositions

Depositions have been taken of key witnesses, except for three employees of Citibank who no longer reside on Guam. The parties are discussing the scheduling these depositions and plan to have them completed within 90 days. The only other depositions which may be required are the depositions of experts and the deposition of any further witnesses identified by Plaintiff; these depositions shall be completed prior to the discovery cutoff date.

D. Expert Designation and Reports

1. Plaintiff shall designate his experts and serve their reports in accordance with Rule 26(a)(2)(B) on or before April 15, 2005.

2. Defendant shall designate its experts and serve their reports in accordance with Rule 26(a)(2)(B) on or before May 16, 2005.

3. Plaintiff shall designate his rebuttal experts, if any, and serve their reports in accordance with Rule 26(a)(2)(B) on or before June 1, 2005.

E. Expert Depositions

Depositions of all testifying experts will be scheduled to take place during the month of June, 2005.

F. Discovery Completion

The parties presently anticipate that all necessary discovery can be completed by July 29, 2005.


LAW OFFICES OF MARK S. SMITH

Date: February 22, 2005

By: 
MARK S. SMITH
Attorney for Plaintiff

CIVILLE & TANG, PLLC

Date: February 22, 2005

By: 
G. PATRICK CIVILLE
Attorneys for Defendants